



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,603	02/09/2004	Michael E. Anderson	ANSN-101	1627
7590 12/22/2008 Law Offices of Morland C. Fischer Suite 1300 2030 Main Street Irvine, CA 92614				
EXAMINER AGGARWAL, YOGESH K				
ART UNIT		PAPER NUMBER		
2622				
MAIL DATE		DELIVERY MODE		
12/22/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,603

Applicant(s)

ANDERSON, MICHAEL E.

Examiner

YOGESH K. AGGARWAL

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-20 is/are pending in the application.
4a) Of the above claim(s) 13-15 is/are withdrawn from consideration.
5) ☒ Claim(s) 16-20 is/are allowed.
6) ☒ Claim(s) 1-8 and 10-12 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments with respect to claims 1-8, 10-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prokosi (US PG-PUB 2001/0033661) in view of Shiota et al. (US 20040135904).

[Claim 1]

Prokosi teaches a method by which photographic images taken by and stored in a digital camera are downloaded to a computer at which the photographic images are located for viewing (Paragraph 71 and figures 1 and 2), said method comprising the steps of annotating said photographic images by assigning markers to identify different sets of said images according to subject (Paragraph 71, figure 1); downloading said images from the digital camera to the computer (images are transmitted); assigning labels to each of the different sets of images corresponding with the markers assigned thereto; locating said set of images in respective image folders according to said labels; and accessing and viewing a particular set of images located in a particular one of said image folders (Paragraph 72, figure 2, each image file is read as a folder).

Prokosi fails to teach wherein the labels are assigned to images according to subject of images and accessing and viewing the images depending upon the label of said one image folder and the subject of said particular set of images located therein.

However Shiota et al. teaches that corresponding event and the area name may be associated with the image data and the image data may be sorted by storing the image data in a folder for the corresponding event to the and the corresponding area name as illustrated in FIG. 10 (Paragraph 75). Area name corresponding to “fujimi elementary school and school athletic festival” corresponds to the label according to the subject of images i.e. the area name and the event name correspond to images stored corresponding to the subject in the particular folder. Shiota further teaches that the sorted image data can be enjoyed as a photo album to which a title of the corresponding event has been assigned (Paragraph 77).

Therefore taking the combined teachings of Prokosi and Shiota, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have assigned labels to images according to subject of images and accessing and viewing the images depending upon the label of said one image folder and the subject of said particular set of images located therein in order to sort the images based on events and subjects making the sorting process less confusing and easier to understand.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prokosi (US PG-PUB 2001/0033661), Shiota et al. (US 20040135904) and further in view of Walker et al. (US PG-PUB # 2004/0174434).

[Claims 2-4]

Prokosi in view of Shitoa fails to teach wherein said digital camera includes a mass media storage device adapted to store sound data and the photographic images taken by the camera to be downloaded to the computer, said method comprising the additional step of annotating said photographic images by means of sound markers, locked markers or flat markers spoken into and stored by the mass media storage device. However Walker teaches metadata including sound, sky/grass (flat image or locked image) to be used to annotate the image (Paragraph 119).

Therefore taking the combined teachings of Prokosi, Shiota and Walker, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used annotating said photographic images by means of sound markers, locked markers or flat markers in order to give the user versatility in annotating the image thus making the process user-friendly.

5. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prokosi (US PG-PUB 2001/0033661), Shiota et al. (US 20040135904) and further in view of Aoki et al. (US Patent # 7,069,314).

[Claim 5]

Prokosi in view of Shiota teaches sorting the step of locating information in at least one additional group of folders corresponding to subjects associated with the different sets of said photographic images (Paragraph 75 of Shiota, figure 10). Prokosi in view of Shiota fails to teach accessing and viewing the particular set of image located in a particular one of said image folders depending upon the information located within a particular folder of said additional group of folders. However Aoki teaches an ID file 110 that includes a folder ID that uniquely identifies the OPI folder that contains the high and low resolution images (col. 7 lines 10-63, figure 5 and 6).

Therefore taking the combined teachings of Prokosi, Shiota and Aoki, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have used accessing and viewing the particular set of image located in a particular one of said image folders depending upon the information located within a particular folder of said additional group of folders in order to locate the images efficiently and quickly.

[Claim 6]

Aoki teaches including the additional steps of merging said image folders into said additional group of folders, transferring said merged folders to a computer server folder, and accessing and viewing the particular set of said images at said server folder (col. 7 lines 10-63).

[Claim 7]

Aoki teaches including the additional step of copying the photographic images taken by the camera to create high resolution and low resolution images, downloading the low resolution images to the computer to create said image folders, and accessing and viewing a particular set of said low resolution images located in a particular one of said image folders (col. 7 lines 10-63).

[Claim 8]

Aoki teaches including the additional step of storing said high resolution photographic images in a high resolution storage and transmitting said high resolution images from said storage to a photo lab for processing (col. 1 lines 38-49).

6. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prokosi (US PG-PUB 2001/0033661), Shiota et al. (US 20040135904) and further in view of Bryant et al. (US Patent # 7,349,010).

[Claim 9]

Prokosi in view of Shiota fails to teach displaying the particular set of images being accessed and viewed. However Bryant teaches displaying a particular set of images (col. 22 lines 63-66, figure 15). Therefore taking the combined teachings of Prokosi, Shiota and Bryant, it would be obvious to one skilled in the art at the time of the invention to have particular set of images being accessed and viewed in order for the user to view all the images easily by just pressing one button.

[Claim 10]

Bryant teaches a step of displaying an offer to enable one or more of the images from the particular set of images at said slide show to be acquired (figure 16, favorite images).

[Claim 11]

Bryant teaches displaying an order form to be completed by which to enable one or more of the images from the particular set of images being accessed and viewed to be acquired (col. 23 lines 2-4).

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prokosi (US PG-PUB 2001/0033661), Shiota et al. (US 20040135904), Bryant et al. (US Patent # 7,349,010) and in further view of Haas et al. (US PG-PUB # 2004/0012810).

[Claim 12]

Prokosi, Shiota in view of Bryant fails to teach the additional step of initiating a timer by which to limit the time available during which to complete said order form. However Haas teaches ordering an image within three seconds during which to complete ordering the images on a slide show (Paragraph 0036). Therefore taking the combined teachings of Prokosi, Shiota, Bryant and

Haas, it would be obvious to one skilled in the art at the time of the invention to have a timer by which to limit the time available during which to complete said order form in order to let the user order images within a set period of time ensuring a quicker process.

Allowable Subject Matter

8. Claims 16-20 are allowed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YKA
December 16, 2008

/Sinh N Tran/
Supervisory Patent Examiner, Art Unit 2622